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RESPONSE UNDER
37 C.F.R. § 1.116
EXPEDITED PROCEDURE
EXAMINING GROUP 2685

PATENT
29250-000958/US

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: Ashwin SAMPATH et al. Conf.: 8514
Appl. No.: 09/693,938 Group: 2685
Filed: October 23, 2000 Examiner: Charles Chiang Chow
For: METHODS AND SYSTEMS FOR IMPROVING FRAME SELECTION
IN WIRELESS COMMUNICATIONS NETWORKS

Docket No.: 29250-000958/US

**NOTICE OF APPEAL FROM THE
PRIMARY EXAMINER TO THE BOARD OF APPEALS**

Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314
Mail Stop AF

September 14, 2005

Sir:

Applicants hereby appeal to the Board of Appeals from the decision dated June 17, 2005 of the Primary Examiner finally rejecting claims 1, 3-4, 6-19, 21-23, 25, 27-32, 34-36, 39-45, 47-48, 50-61, 63-65, 67, 69-73, 75-77 and 79-83.

☐ The enclosed document is being transmitted via the Certificate of Mailing provisions of 37 C.F.R. § 1.8.

Applicants hereby petition for an extension of () month(s) pursuant to 37 C.F.R. §§ 1.17 and 1.136(a).

The fee has been calculated as shown below:

☐ NO extensions of time have been previously obtained for responding to the Final Rejection. Thus a fee of \$ is required for the full period of the above-requested extension of time.

09/15/2005 SZEWDIE1 00000015 09693938

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- ☐ An extension of _____ (_____) month(s) for responding to the Final Rejection was previously requested and paid for on _____. Thus a fee of \$ _____ is required.
- ☐ Applicant claims small entity status. See 37 C.F.R. § 1.27.

The Government fee for filing a Notice of Appeal to the Board of Appeals is calculated as follows:

- ☒ Large entity - \$500.00
- ☐ Small Entity - \$250.00

Therefore, the TOTAL FEE due for the filing of this Notice of Appeal is **\$500.00**.

Payment of the above TOTAL FEE is being made in the following manner:

- ☒ Check in the amount of \$500.00 is enclosed.
- ☐ Please charge Deposit Account No. 08-0750 in the amount of \$0.00. A triplicate copy of this sheet is attached.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKY, & PIERCE, P.L.C.

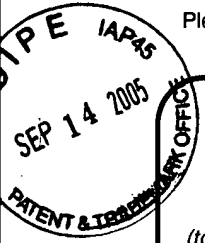
By



John E. Curtin, Reg. No. 37,602

P.O. Box 8910
Reston, Virginia 20195
(703) 668-8000

JEC:psy

Please type a plus sign (+) inside this box → ☐

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

| | |
|------------------------|-----------------------|
| Application Number | 09/693,938 |
| Filing Date | October 23, 2000 |
| Inventor(s) | Ashwin SAMPATH et al. |
| Group Art Unit | 2685 |
| Examiner Name | Charles C. Chow |
| Attorney Docket Number | 29250-000958/US |

ENCLOSURES (check all that apply)

| | | |
|---|--|--|
| <input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Letter to the Official Draftsperson and _____ Sheets of Formal Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ | <input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> LETTER SUBMITTING APPEAL BRIEF AND APPEAL BRIEF (w/clean version of pending claims) <input checked="" type="checkbox"/> Appeal Communication to Group (<u>Notice of Appeal</u> , Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below): |
| Remarks | | |

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

| | | | | | |
|-------------------------|----------------------------------|---------------|----------------|----------|--------|
| Firm or Individual name | Harness, Dickey & Pierce, P.L.C. | Attorney Name | John E. Curtin | Reg. No. | 37,602 |
| Signature | | | | | |
| Date | September 14, 2005 | | | | |



FEE TRANSMITTAL for FY 2005

Effective 10/01/2004. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 500

Complete if Known

| | |
|----------------------|------------------|
| Application Number | 09/693,938 |
| Filing Date | October 23, 2000 |
| First Named Inventor | Ashwin SAMPATH |
| Examiner Name | Charles C. Chow |
| Art Unit | 2685 |
| Attorney Docket No. | 29250-000958/US |

METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit
Account
Number

08-0750

Deposit
Account
Name

Harness, Dickey & Pierce, PLC

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments
☒ Charge any additional fee(s) during the pendency of this application
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

| Large Entity | | Small Entity | | Fee Description | Fee Paid |
|--------------|----------|--------------|----------|------------------------|----------|
| Fee Code | Fee (\$) | Fee Code | Fee (\$) | | |
| 1011 | 300 | 2011 | 150 | Utility filing fee | |
| 1012 | 200 | 2012 | 100 | Design filing fee | |
| 1013 | 200 | 2013 | 100 | Plant filing fee | |
| 1014 | 300 | 2014 | 150 | Reissue filing fee | |
| 1005 | 200 | 2005 | 100 | Provisional filing fee | |

SUBTOTAL (1)

(\$) 0

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

| | | Extra Claims | Fee from below | Fee Paid |
|--------------------|--------|--------------|----------------|----------|
| Total Claims | -20 ** | = 0 | X | = 0 |
| Independent Claims | -3 ** | = 0 | X | = 0 |
| Multiple Dependent | | | | = 0 |

| Large Entity | | Small Entity | | Fee Description |
|--------------|----------|--------------|----------|--|
| Fee Code | Fee (\$) | Fee Code | Fee (\$) | |
| 1202 | 50 | 2202 | 25 | Claims in excess of 20 |
| 1201 | 200 | 2201 | 100 | Independent claims in excess of 3 |
| 1203 | 360 | 2203 | 180 | Multiple dependent claim, if not paid |
| 1204 | 200 | 2204 | 100 | ** Reissue independent claims over original patent |
| 1205 | 50 | 2205 | 25 | ** Reissue claims in excess of 20 and over original patent |

SUBTOTAL (2)

(\$) 0

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

| Large Entity | | Small Entity | | Fee Description | Fee Paid |
|--------------|----------|--------------|----------|--|----------|
| Fee Code | Fee (\$) | Fee Code | Fee (\$) | | |
| 1051 | 130 | 2051 | 65 | Surcharge - late filing fee or oath | |
| 1052 | 50 | 2052 | 25 | Surcharge - late provisional filing fee or cover sheet. | |
| 1053 | 130 | 1053 | 130 | Non-English specification | |
| 1812 | 2,520 | 1812 | 2,520 | For filing a request for reexamination | |
| 1804 | 920* | 1804 | 920* | Requesting publication of SIR prior to Examiner action | |
| 1805 | 1,840* | 1805 | 1,840* | Requesting publication of SIR after Examiner action | |
| 1251 | 120 | 2251 | 60 | Extension for reply within first month | |
| 1252 | 450 | 2252 | 225 | Extension for reply within second month | |
| 1253 | 1020 | 2253 | 510 | Extension for reply within third month | |
| 1254 | 1,590 | 2254 | 795 | Extension for reply within fourth month | |
| 1255 | 2,160 | 2255 | 1080 | Extension for reply within fifth month | |
| 1401 | 500 | 2401 | 250 | Notice of Appeal | 500 |
| 1402 | 500 | 2402 | 250 | Filing a brief in support of an appeal | |
| 1403 | 1000 | 2403 | 500 | Request for oral hearing | |
| 1452 | 500 | 2452 | 250 | Petition to revive - unavoidable | |
| 1453 | 1500 | 2453 | 750 | Petition to revive - unintentional | |
| 1501 | 1400 | 2501 | 700 | Utility issue fee (or reissue) | |
| 1502 | 800 | 2502 | 400 | Design issue fee | |
| 1460 | 130 | 1460 | 130 | Petitions to the Commissioner | |
| 1807 | 50 | 1807 | 50 | Processing fee under 37 CFR 1.17 (q) | |
| 1806 | 180 | 1806 | 180 | Submission of Information Disclosure Stmt | |
| 8021 | 40 | 8021 | 40 | Recording each patent assignment per property (times number of properties) | |
| 1809 | 790 | 2809 | 395 | Filing a submission after final rejection (37 CFR § 1.129(a)) | |
| 1810 | 790 | 2810 | 395 | For each additional invention to be examined (37 CFR § 1.129(b)) | |
| 1801 | 790 | 2801 | 395 | Request for Continued Examination (RCE) | |

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid SUBTOTAL (3) (\$500)

4. SEARCH/EXAMINATION FEES

| | | | | | |
|------|-----|------|-----|-------------------------|--|
| 1111 | 500 | 2111 | 250 | Utility Search Fee | |
| 1112 | 100 | 2112 | 50 | Design Search Fee | |
| 1113 | 300 | 2113 | 150 | Plant Search Fee | |
| 1114 | 500 | 2114 | 250 | Reissue Search Fee | |
| 1311 | 200 | 2311 | 100 | Utility Examination Fee | |
| 1312 | 130 | 2312 | 65 | Design Examination Fee | |
| 1313 | 160 | 2313 | 80 | Plant Examination Fee | |
| 1314 | 600 | 2314 | 300 | Reissue Examination Fee | |

SUBTOTAL (4) (\$0)

SUBMITTED BY

| | | | | | |
|-------------------|----------------|-----------------------------------|--------|-----------|--------------------|
| Name (Print/Type) | John E. Curtin | Registration No. (Attorney/Agent) | 37,602 | Telephone | (703) 668-8000 |
| Signature | | | | Date | September 14, 2005 |

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.